

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

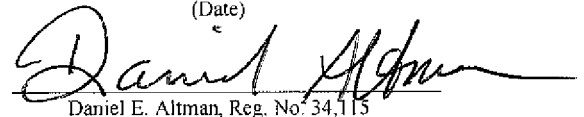
Applicant : Daisuke ITO et al.
App. No : 10/595,440
Filed : April 19th, 2006
For : FINE METAL PARTICLES AND FINE
METAL OXIDE PARTICLES IN DRY
POWDER FORM, AND USE THEROF
Examiner : Weiping Zhu
Art Unit : 1793
Conf # : 9670

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Daniel E. Altman, Reg. No. 34,115

RESPONSE TO RESTRICTION REQUIREMENT**Mail Stop Amendment**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed on June 2nd, 2008, Applicant hereby provisionally elects with traverse to prosecute the claims of Group I.

The restriction is respectfully traversed based on the following fact: "International Preliminary Report on Patentability : Chapter II of the Patent Corporation Treaty" reported clearly that the originally filed claims 1-28 have novelty and inventive step over the Documents 1 to 5 cited in the International Search Report. Thus the Report apparently indicates that the inventions claimed in Claims 1-28 relate to a single general inventive concept under PCT Rule 13.1 as those claims have the same or corresponding special technical features under PCT Rule 13.2. Please see attached copy of the English translation of the International Preliminary Report transmitted by the International Bureau.

The Report apparently indicated that such features "fine metal particles in the form of a dry powder without any excess coating layer" and "fine metal oxide particles in the form of a dry

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powder without any excess coating layer" are the same or corresponding special technical features, which are not shown in the documents 1 to 4 cited in the International Search Report.

Applicant believes that the opinion in the International Preliminary Report as to the unity of invention under PCT Rule 13.1 should be applied to the currently pending Claims 1-28 of the present U.S. application, which is just submitted in National Phase of PCT/JP2004/015475 in U.S.A.

For at last the reasons set forth above, Applicant respectfully disagrees with the grounds for the restriction requirement, and asks the Examiner to reconsider this matter and withdraw the restriction requirement.

As for the Examiner's grouping of the inventions, Claim 4 is believed to belong to Group II, since the claim depends upon Claim 2.

If any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully invited to contact the undersigned at the telephone number provided below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 20 Jun 2008

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